

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Applicant proposes herewith an amendment changing a scale factor in paragraph 7 of the specification, amending claim 1, canceling claim 2, and adding a new claim 11. Favorable consideration is requested.

Claim 1 was rejected under 35 U.S.C. 102(b) on Akiyama et al. (U.S. Patent No. 4,593,332). The claim as amended does not read on Akiyama as hereinafter explained.

Akiyama discloses magnetic powder 11 that “comprises ferrite, which is a typical high-frequency material and is non-conductive” (specification, column 7, lines 29-35). Therefore, Akiyama uses non-conductive particles which are magnetic, whereas claim 1 states that the non-conductive particles are also non-magnetic.

Another fundamental difference between Akiyama and the present invention is illustrated in Figure 8c wherein the metallic powder 23 and the magnetic powder 11 are illustrated as discrete quantities. By contrast, the present invention is premised on the formation of strands.

In addition, the powders of Akiyama are mixed with “a dielectric body 22 to provide an inter-electrode substance” (column 7, lines 45-47). Such a substance has the effect of immobilizing the powders so that they can not subsequently be aligned by the application of a magnetic field.

Finally, the present invention is distinguished from Akiyama by the fact that the two operate on entirely different principles of physics. More specifically, Akiyama applies a magnetic field to magnetic body 11 to modify the magnetic permeability μ (specification column 4, lines 50-55). On the other hand, the present invention uses a magnetic field to increase the surface area of the capacitor; see paragraph 8. This feature enables the present invention to meet the goal of improved capacitance.

Claim 1 has also been rejected under 35 U.S.C. 103 on the combination of Harach et al. in view of Walpita et al. Reconsideration of this rejection is also requested.

Harach discloses a capacitor in which ferro-magnetic particles such as iron and non ferro-magnetic particles such as aluminum are oriented between two sets of foils (specification column 3, lines 46-52). The result is a plurality of mutually perpendicular filaments of both ferro-magnetic and non ferro-magnetic materials; see specification column 3, lines 62-64. This arrangement is also shown in Fig. 2 wherein some of the filaments are parallel to foil 11 and 12 and some of the filaments are perpendicular to these foils. Harach, therefore, teaches away from the principle hypothesis of the present invention, namely that all filaments must be aligned so that they are perpendicular to the plates; see paragraph 13. This is a key difference between Harach and the present invention and it is not modified by introducing non-conductive particles from Walpita. Applicant further submits that the introduction of non-conducting particles to Harach is contrary to the teaching and objections of Harach. It is not "obvious" to modify a reference in a way which is contrary to its expressed content. In re Gordon, 221 USPQ 1025 (Fed Cir 1984); Ex Parte Garrett, 132 USPQ 514 (PTO Bd. App. 1961).

Claims 3-10 now depend on claim 1 or an intermediate claim and are therefore allowable for the same reasons as claim 1.

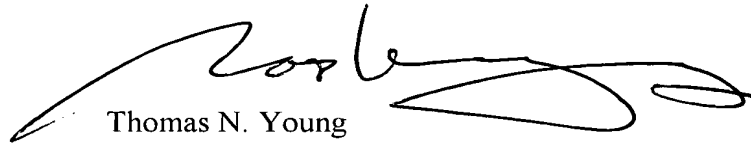
Application Serial No. 10/691,236
Date August 19, 2004
Reply to Office Action dated May 20, 2004

Page 7 of 7

Claim 11 is submitted to cover the application of motion; support is found in paragraph 14. This aspect of the invention is not disclosed in the prior art, and favorable consideration of claim 11 is also requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Tom Young', with a large, stylized flourish extending to the right.

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